

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

IN RE:)	
)	
PATRICIA L. CRUICKSHANKS)	Case No. 12-37058-KRH
)	Chapter 13
Debtor)	

**MOTION TO HOLD HADEED-MERCER
CARPET CLEANING, INC. IN CONTEMPT OF COURT**

COMES NOW the Debtor, by counsel, and as and for her Motion to Hold Hadeed-Mercer Carpet Cleaning, Inc. ("Hadeed-Mercer"), in Contempt of Court, states as follows:

1. On or about December 12, 2012, the Debtor filed for relief under Chapter 13 of the U.S. Bankruptcy Code wherein Hadeed-Mercer is scheduled as a creditor in the amount of \$1,265.00 for the cleaning cost of the Debtor's Oriental rug ("Oriental Rug").
2. The Oriental Rug was is in the possession of Hadeed-Mercer prior to the filing of this case.
3. On or about January 15, 2013, Debtor's counsel made demand on Hadeed-Mercer to return the Oriental Rug, and Hadeed-Mercer refused to do so.
4. The Oriental Rug constitutes property of the Debtor's estate under 11 U.S.C. § 541 and should be immediately turned over to the Debtor.
5. Hadeed-Mercer's refusal to return the Oriental Rug was a violation of 11 U.S.C. § 362.
6. On or about March 5, 2013 the Debtor filed an adversary proceeding herein against Hadeed-Mercer (APN: 13-3048-KRH) for the return of the Oriental Rug.

7. On or about June 4, 2013 this Court entered judgment against Hadeed-Mercer in said adversary proceeding ordering it to immediately return to the Oriental Rug to the Debtor and to pay to Debtor's counsel the sum of \$500.00 for attorney fees and costs incurred herein.

8. Debtor's counsel has made numerous demands against Hadeed-Mercer for the return of the Oreintal Rug and for the payment of \$500.00 in attorney fees in accordance with said Order, and Hadeed-Mercer has failed and refused to do so.

WHEREFORE, the Debtor respectfully requests that the Court order holding Hadeed-Mercer in contempt of Court, ordering it to immediately return the Oriental Rug to the Debtor and to pay Debtor's counsel the \$500.00 in attorney fees previously awarded, and award the Debtor her costs and fees incurred herein, and for such other relief as the Court may deem appropriate.

Dated: May 26, 2015

Respectfully Submitted,

PATRICIA L. CRUICKSHANKS

By: /s/ James E. Kane

James E. Kane (VSB #30081)
KANE & PAPA, P.C.
1313 East Cary Street
Richmond, Virginia 23219
Telephone: (804) 225-9500
Facsimile: (804) 225-9598
Email: jkane@kaneandpapa.com
Counsel for Debtor

CERTIFICATE OF SERVICE

I hereby certify that on May 26, 2015, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to all parties registered to receive notice thereof and by first class mail to:

Hadeed-Mercer Carpet Cleaning, Inc
c/o Incorp Services, Inc., R/A
7288 Hanover Green Drive
Mechanicsville, VA 23111

/s/ James E. Kane
Counsel for Debtor

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NOTICE OF MOTION

The above Debtor has filed a Motion to Hold Hadeed-Mercer Carpet Cleaning, Inc. in Contempt of Court in the above matter.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then you or your attorney must:

- File with the court, at the address shown below, a written request for a hearing [or written response pursuant to Local Bankruptcy Rule 9013-1(H)]. If you mail your request for a hearing (or response) to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above, to:

Clerk of Court
United States Bankruptcy Court
701 East Broad Street
Richmond, VA 23219

You must also mail a copy to:

James E. Kane, Esquire
Kane & Papa, P.C.
1313 East Cary Street
Richmond, Virginia 23219

- Attend a hearing to be scheduled by the Court. If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Respectfully Submitted,

PATRICIA L. CRUICKSHANKS

By: /s/ James E. Kane

James E. Kane (VSB #30081)
KANE & PAPA, P.C.
1313 East Cary Street
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/s/ James E. Kane
Counsel for Debtor